



**MINUTES OF THE CITY COUNCIL REGULAR MEETING
CITY OF NEW PORT RICHEY**

**NEW PORT RICHEY CITY HALL COUNCIL CHAMBERS
5919 MAIN STREET, NEW PORT RICHEY, FLORIDA**

**October 20, 2020
7:00 PM**

**ORDER OF
BUSINESS**

1. Call to Order – Roll Call

The meeting was called to order by Mayor Rob Marlowe at 7:00 p.m. Those in attendance were, Deputy Mayor Jeff Starkey, Councilman Chopper Davis, Councilman Peter Altman and Councilman Matt Murphy.

Also in attendance were City Manager Debbie L. Manns, City Attorney Timothy Driscoll, City Clerk Judy Meyers, Assistant City Manager Rodd Hale, Police Chief Kim Bogart, Finance Director Crystal Feast, Fire Chief Chris Fitch, Economic Development Director Charles Rudd, Public Works Director Robert Rivera, Library Director Andi Figart, Technology Solutions Director Bryan Weed, Human Resources Manager Bernie Wharran and Assistant Parks and Recreation Director Chris Bornfleth.

2. Pledge of Allegiance

3. Moment of Silence

4. Approval of October 6, 2020 Work Session and Regular Meeting Minutes

Motion was made to approve the minutes as presented.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

5. Presentation to Deputy Mayor Starkey for Years of Service

City Manager Manns made a presentation to outgoing Deputy Mayor Jeff Starkey for his years of service.

6. Vox Pop for Items Not Listed on the Agenda or Listed on Consent Agenda

Mayor Marlowe opened the floor for public comment. Angela Addino Napolitano, 6013 Adams Street and 5805 Illinois Avenue, NPR, came forward to speak about her ongoing sanitary issues. She urged

Council to consider improving Illinois Avenue regarding drainage. Lisa from Lis' Pieces came forward to thank staff for allowing the store to participate in the marketing campaign. Shinikki Whiting, 5755 Indiana Avenue, NPR, came forward to speak about Officer Valente. Rayland Trefethen, 7708 Isabella Drive, Port Richey, came forward to speak about Christina Boneta and Officer Valente. Robin Alexander, 7708 Isabella Drive, Port Richey, came forward to speak about arrests by race. Marlowe Jones, Pinehill Rd, Port Richey, came forward to speak about the last time he spoke at Vox Pop and Officer Valente. Christina Boneta, 9154 Barrington Lane, Port Richey, came forward to speak about citations issued. Barry Biagi, 5743 Montana Avenue, Apt. 1, NPR, came forward to speak about a previous arrest. With no one else coming forward for public comment, Mayor Marlowe closed Vox Pop.

7 Consent Agenda

Motion was made to accept the Consent Agenda.

Motion made by Jeff Starkey and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

a Purchases/Payments for City Council Approval

8 Public Reading of Ordinances

a First Reading, Ordinance No. 2020-2213: Authorize the Issuance of Taxable & Tax Exempt Revenue Notes

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of Ordinance No. 2020-2213, which would authorize the issuance of Non-Ad Valorem Revenue Notes in one or more series, not to exceed \$11,000,000 to finance the cost of construction, renovation, and equipping of 3 capital projects: Parking Garage Structure, Construction of Fire Station No. 2 and Library Renovations. She stated the tax exempt portion of the loan is 1.4% and taxable of 1.11%. She then introduced Will Reed from Ford and Associates and Vera Goruva from Bryant Miller Olive. Mr. Reed came forward to speak about the parking garage. He stated an RFP was sent out to 20 banks and one response was received. He stated that Truist was the respondent and offered rates well below what they were looking at. The overall cost is 1.5%. Ms. Goruva came forward and stated that as bond counsel they have prepared the ordinance. She stated all of the details will be presented to Council in a resolution on November 4th. Councilman Altman stated the last time the City borrowed money it was from water funds and there were several capital projects that the funds could be directed to. He stated some of the funds for the fire station can be in the form of a grant. When you pay the initial cost he asked if there was flexibility so that we may incorporate other infrastructure projects that will use those parking spaces. He asked if the engineering plan could be modified. Mr. Reed stated there is a degree of flexibility. There are some restrictions as the money is tax exempt. Upon opening the floor to public comment, Joan Nelson Hook, 7210 Jasmin Drive, NPR came forward to support the ordinance. The ordinance will greatly expedite the construction of the parking garage, fire station and renovations for the Library. The issuance of bonds will resort in a lower interest rate which is a tax savings. With no one else coming forward Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

b First Reading, Ordinance No. 2020-2212: Amendments to Golf Cart Ordinance

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an amendment to expand the use of golf carts on Main Street from River Road and to U.S. 19. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

- c First Reading, Ordinance No. 2020-2189: Amendments to Chapter 18 of the LDC RE: Historic Preservation

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance amending Chapter 18 of the Land Development Code relating to the historic preservation code. She stated the first step in applying to the CLG Program is to enact a historic preservation ordinance that meets the criteria set forth in the Florida CLG guidelines. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

- d First Reading, Ordinance No. 2020-2211: Amendments to Chapter 13 RE: Mobile Food Vending

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a first reading of an ordinance which amends Chapter 13 of the Code of Ordinances regarding mobile food vending. She stated earlier this year the Florida Legislature enacted legislation which relaxed some mobile vending regulations. The City Attorney has drafted language to prohibit mobile vending from public streets during special events unless it is part of the event. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its first reading.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

- e Second Reading, Ordinance No. 2020-2184: Amendment to Table FLU 1.1.3 of the Future Land Use Element of the City's Comprehensive Plan

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a second and final reading of an ordinance to amend Table FLU 1.1.3 of the Future Land Use Element of the City's Comprehensive Plan. The first reading occurred in March and was then sent to the State for approval. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

- f Second Reading, Ordinance No. 2020-2209: Amendments to Chapter 7 RE: City Elections

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a second and final reading of an ordinance which amends Chapter 7 of the Code of Ordinances regarding city elections. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Chopper Davis and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

- g Second Reading, Ordinance No. 2020-2199: Amendments to Auto Dealership Standards

City Attorney Driscoll read the proposed ordinance by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to conduct a second and final reading of an ordinance to amend standards for new and used auto dealerships. She stated in October

2019 Council adopted an ordinance establishing regulations and this amendment provides for a reduction in landscape requirements. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the ordinance upon its second and final reading.

Motion made by Jeff Starkey and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

9 Business Items

a Re-Appointment of Timothy P. Driscoll, Esq. as City Attorney

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to to authorize the City Manager to enter into an agreement with Timothy P. Driscoll, Esq. to provide the services of City Attorney with an effective date of September 6, 2020. She stated Mr. Driscoll has served as the City Attorney since 2016. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Jeff Starkey and seconded by Matt Murphy. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

b 2021 Risk and Resilience Assessment – Task Order No. 1 Professional Services

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to consider for approval Task Order No. 1 from Juturna Consulting LLC for professional services in an amount not to exceed \$31,075 for the 2021 Risk and Resilience Assessment. She then introduced Public Works Director Robert Rivera who stated that this is an unfunded mandate. He then introduced Suzy Folsom who then made a presentation to Council. Ms. Folsom began her presentation by stating that part of the America's Water Infrastructure Act requires this assessment for those who have more than 3,300 customers. The City is in tier 3 and responses are due by June 30, 2021. Items included in the assessment are critical assets, threats and countermeasures. Critical assets included source water, treatment, storage and pumping. Threats included natural disasters and malevolent threats. Countermeasures include prevention and response to emergencies. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Pete Altman and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

c 2021 Sanitary Sewer Lining Project – Consideration for Approval

City Manager Manns introduced the item to Council. He stated that the purpose of this agenda item was to approve a proposal from Granite Inliner, LLC in an amount not to exceed \$133,258.50 for sanitary sewer gravity main rehabilitation. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Matt Murphy and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

d Resolution No. 2021-07: Historic Preservation Board Rules of Procedure

City Attorney Driscoll read the proposed resolution by title only. City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to adopt a resolution establishing rules of procedure for the Historic Preservation Board. The adoption of the rules of procedure is necessary in order to become a Certified Local Government. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Motion was made to approve the item as presented.

Motion made by Matt Murphy and seconded by Chopper Davis. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

- e Fourth Amendment to the Lease Agreement between the City of New Port Richey and the Greater Pasco Chamber of Commerce, Inc.

City Manager Manns introduced the item to Council. She stated that the purpose of this agenda item was to enter into an agreement with the Greater Pasco Chamber of Commerce in regard to outstanding rent due for the building located at 5443 Main Street and additionally for services of City staff in regard to certain special events. The current amount owed is \$5,318.20. The Chamber will pay \$500/month towards the amount due. Upon opening the floor to public comment, no one came forward therefore Mayor Marlowe returned the floor to Council. Deputy Mayor Starkey stated the property is underutilized. Councilman Altman stated the Chamber's mission is not the same as Main Street. He wants to make sure that we are in dialogue with the Chamber to make sure they are active. City Manager Manns stated we are in a month by month lease at this time. Mayor Marlowe stated there are better uses for the property. Motion was made to approve the item as presented.

Motion made by Chopper Davis and seconded by Jeff Starkey. The Motion Passed. 5-0. Ayes: Altman, Davis, Marlowe, Murphy, Starkey

10 Communications

Deputy Mayor Starkey stated he was humbled by the show of support from his family and friends at tonight's meeting. He stated there have been some great things that have happened over the last seven years. It has been an honor to serve the City. Councilman Murphy stated it has been an honor to serve with Deputy Mayor Starkey. He has admired his stance on issues. Councilman Altman stated he has been impressed with Deputy Mayor Starkey during his time he has served. It speaks highly of his integrity. Mayor Marlowe stated it has been his pleasure to sit up here with Deputy Mayor Starkey. Councilman Davis stated they came as a team and he will still call him for assistance. City Attorney Driscoll told Deputy Mayor Starkey it was a pleasure to work with him. City Manager Manns stated that people long for leaders who can stand up and stand out. She stated Deputy Mayor Starkey has made a difference in the community with his integrity and passion. He is a great member of a leadership team. She stated his drive in making NPR the best it can be is contagious. It was a privilege to serve with him.

Mayor Marlowe stated there were complaints posted on Facebook about boats racing down the river and causing damage. Councilman Davis stated Dale Webb has offered to use his property for enforcement. Mayor Marlowe stated there was a discussion on Facebook about the 7-11 that is proposed at the corner of US19 and Main Street. The issue from our standpoint is if the project is allowed within the guidelines of zoning we do not have a say of what kind of business can go there. We live within a certain set of rules and have to abide by them. Mayor Marlowe stated he received his TBW agenda packet and it was modified with the termination of its executive director. He has no strong insights on it one way or the other. He will provide an update at the next meeting. He asked City Attorney Driscoll about establishing rules for non-residents who speak at Vox Pop.

11 Adjournment

There being no further business to consider, upon proper motion, the meeting adjourned at 8:28 p.m.

(signed) _____
Judy Meyers, City Clerk

Approved: _____ (date)

Initialed: _____

ORDINANCE NO. 2020-2213

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, AUTHORIZING THE ISSUANCE OF NON-AD VALOREM REVENUE NOTES IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,000,000 TO FINANCE THE COSTS OF CONSTRUCTION, RENOVATION, DESIGN AND/OR EQUIPPING OF VARIOUS CAPITAL IMPROVEMENTS INCLUDING WITHOUT LIMITATION AN ISSUER-OWNED PARKING GARAGE, FIRE STATION AND PUBLIC LIBRARY, AND PAYING COSTS RELATED THERETO; PROVIDING THAT THE NOTES SHALL BE LIMITED OBLIGATIONS OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNERS OF THE NOTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1: *Authority for this Ordinance.* This Ordinance is enacted pursuant to the Constitution of the State of Florida (the "State"), Chapter 166, Florida Statutes, Chapter 163, Part III, Florida Statutes, the municipal charter of the City of New Port Richey, Florida (the "Issuer"), and other applicable provisions of law (collectively, the "Act").

Section 2: *Definitions.* The following words and phrases shall have the following meanings when used herein:

"Act" shall have the meaning ascribed thereto in Section 1 hereof.

"Ad Valorem Revenues" shall mean all revenues of the Issuer derived from the levy and collection of ad valorem taxes that are allocated to and accounted for in the General Fund.

"City Council" shall mean the City Council of the Issuer.

"Issuer" shall mean the City of New Port Richey, Florida, a municipal corporation of the State of Florida.

"Non-Ad Valorem Revenues" shall mean all revenues of the Issuer other than Ad Valorem Revenues, and which are lawfully available to be used to pay debt service on the Notes.

"Notes" shall mean the City of New Port Richey, Florida, Non-Ad Valorem Revenue Notes issued by the Issuer in one or more series pursuant to this Ordinance and the Resolution.

"Pledged Revenues" shall mean the Non-Ad Valorem Revenues budgeted, appropriated and deposited as provided in the Resolution.

"Resolution" shall mean the resolution of the City Council, to be subsequently adopted on even date herewith, determining details with respect to the Notes, as the same may from time to time be amended and/or supplemented.

"Project" shall mean construction, renovation, design and/or equipping of various capital improvements including without limitation an Issuer-owned parking garage, fire station and public library.

"State" shall mean the State of Florida.

Section 3: Findings.

(A) For the benefit of its inhabitants, the Issuer finds, determines and declares that it is necessary for the continued preservation of the welfare, convenience and safety of the Issuer and its inhabitants to finance the costs of the Project. Issuance of the Notes to finance the costs of the Project satisfies a paramount public purpose.

(B) Debt service on the Notes will be secured by the Issuer's covenant to budget and appropriate Non-Ad Valorem Revenues in the manner and to the extent described in the Resolution, and by a pledge of the Pledged Revenues as provided herein.

(C) Debt service on the Notes and all other payments hereunder and under the Resolution shall be payable solely from moneys deposited in the manner and to the extent provided herein and therein. The Issuer shall never be required to levy ad valorem taxes or use the proceeds thereof to pay debt service on the Notes or to make any other payments to be made hereunder or thereunder or to maintain or continue any of the activities of the Issuer which generate user service charges, regulatory fees or any other Non-Ad Valorem Revenues. The Notes shall not constitute a lien on any property owned by or situated within the limits of the Issuer.

(D) It is estimated that the Non-Ad Valorem Revenues will be available after satisfying funding requirements for obligations having an express lien on or pledge thereof and after satisfying funding requirements for essential governmental services of the Issuer, in amounts sufficient to provide for the payment of the principal of and interest on Notes and all other payment obligations hereunder and under the Resolution.

Section 4: *Issuance of Notes.* Obligations of the Issuer to be designated as the "City of New Port Richey, Non-Ad Valorem Revenue Notes" in one or more series, in the aggregate principal amount of not to exceed \$11,000,000, are hereby authorized to be issued. The Notes shall be issued for the purposes of (a) financing the costs of the Project, and (b) paying costs and expenses of issuing the Notes. The principal of, redemption premium, if any, and interest on the Notes shall be payable from the Pledged Revenues, to the extent provided herein and in the Resolution.

The Notes shall be dated such date or dates, shall bear interest at such rate or rates, not exceeding the maximum interest rate permitted by applicable law, shall mature on such dates not later than October 1, 2030 and in such amounts, may be subject to optional, extraordinary optional and/or mandatory redemption before maturity, at such price or prices and under such terms and conditions, all as may be determined pursuant to or in accordance with the Resolution. The City Council shall determine the form of the Notes, the manner of executing such Notes, the denomination or denominations of such Notes, the place or places and dates of payment of the principal and interest, and such other terms and provisions of the Notes as it deems appropriate, as shall be determined pursuant to the Resolution. The Notes may be issued as fixed rate notes, variable rate notes, serial notes, term notes or any combination thereof, as shall be determined pursuant to the Resolution.

The Notes shall be secured in the manner provided herein and by the Resolution which shall include, but without limitation, provisions as to the rights and remedies of the Noteholders and such other matters as are customarily in such an instrument.

Section 5: *Payment of Principal and Interest; Limited Obligations; Covenant to Budget and Appropriate.* The Issuer promises that it will promptly pay the principal of and interest on the Notes at the place, on the dates and in the manner provided in this Ordinance and the Resolution according to the true intent and meaning hereof and thereof. The Notes shall not be or constitute general obligations or indebtedness of the Issuer as "bonds" within the meaning of Article VII, Section 12 of the Constitution of the State, but shall be payable solely from the Pledged Revenues in accordance with the terms hereof and of the Resolution. No holder of the Notes issued hereunder and under the Resolution shall ever have the right to compel the exercise of any ad valorem taxing power or taxation of any real or personal property thereon or the use or application of ad valorem tax revenues to pay the Notes, or be entitled to payment of the Notes from any funds of the Issuer except from the Pledged Revenues as described herein and in the Resolution.

Subject to the limitations set forth in the Resolution, the Issuer covenants and agrees and has a positive and affirmative duty to appropriate in its annual budget, by amendment, if necessary, from Non-Ad Valorem Revenues, and to deposit into a debt service fund to be created in the Resolution, amounts sufficient to pay principal of and interest on the Notes and all other payments due hereunder and under the Resolution not being paid from other amounts as the same shall become due, all in the manner and to the extent set forth in the Resolution.

Section 6: *Severability*. If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be illegal, inoperative, or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative, or unenforceable to any extent whatever.

Section 7: *Effective Date*. This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

The above Ordinance was read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 20th day of October, 2020.

The above Ordinance was read and enacted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida, this 4th day of November, 2020.

CITY OF NEW PORT RICHEY, FLORIDA

(SEAL)

By: _____
Name: Rob Marlowe
Title: Mayor

ATTEST:

By: _____
Name: Judy Meyers, CMC
Title: City Clerk

APPROVED AS TO LEGAL FORM AND
CONTENT:

By: _____
Name: Timothy P. Driscoll
Title: City Attorney



New Port Richey

July 16 7:13 PM

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